

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-NINTH DAY — THURSDAY, MARCH 1, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 29).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddock; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Christian; Geren; Hilbert; Reyna, E.; Sadler; Tillery.

The invocation was offered by Dr. Ed Robb, pastor, The Woodlands United Methodist Church, The Woodlands.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Tillery on motion of Raymond.

Christian on motion of Keffer.

The following member was granted leave of absence for today because of important business:

Geren on motion of Walker.

CAPITOL PHYSICIAN

The speaker recognized Representative B. Brown who presented Dr. William J. Fortner of Kaufman as the "Doctor for the Day."

The house welcomed Dr. Fortner and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 14).

**HR 364 - ADOPTED
(by J. Moreno)**

Representative J. Moreno moved to suspend all necessary rules to take up and consider at this time **HR 364**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 364, In memory of Jose Luis Rodriguez of Corpus Christi.

HR 364 was read and was unanimously adopted by a rising vote.

On motion of Representative Noriega, the names of all the members of the house were added to **HR 364** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative J. Moreno, who introduced Raul M. Rodriguez.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

**HCR 187 - ADOPTED
(by Sadler)**

Representative Telford moved to suspend all necessary rules to take up and consider at this time **HCR 187**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 187, Declaring March 1, 2001, as Texas Energy Education Development Day at the State Capitol.

HCR 187 was adopted without objection.

**HCR 189 - ADOPTED
(by Homer)**

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 189**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 189, Honoring Elaine Ballard on her receipt of a Lifetime Achievement Award from the Paris Education Foundation.

HCR 189 was adopted without objection.

HR 404 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 404**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 404, Honoring Debra Flores of Mission for her outstanding service to her profession and community.

HR 404 was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Dukes, who introduced members of Sigma Gamma Rho Sorority, Inc.

HR 295, honoring Sigma Gamma Rho Sorority, Inc., for its outstanding service to young individuals and welcoming its members to the Capitol, having been previously adopted, was read.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 416 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 416**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 416, Congratulating Florentino "Lico" Subia of El Paso on his 70th birthday.

HR 416 was adopted without objection.

ADJOURNMENT

Representative Hardcastle moved that the house adjourn until 10 a.m. Monday, March 5.

The motion prevailed without objection.

The house accordingly, at 10:42 a.m., adjourned until 10 a.m. Monday, March 5.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 2222 (By J. Jones), Relating to the prosecution and punishment of injury to an elderly individual.

To Criminal Jurisprudence.

HB 2223 (By Chisum), Relating to the board of directors of the Collingsworth County Underground Water Conservation District.

To Natural Resources.

HB 2224 (By Edwards), Relating to a prohibition on discrimination against criminal offenders in the sale or rental of a dwelling.

To Business & Industry.

HB 2225 (By J. Davis), Relating to the amount of exemplary damages that may be awarded in actions involving injury to an elderly individual or a disabled individual.

To Civil Practices.

HB 2226 (By J. Davis), Relating to the certification by a chief appraiser of certain taxable properties not included in the initial appraisal roll for a taxing unit.

To Ways & Means.

HB 2227 (By Isett), Relating to the establishment of a program of all-inclusive care for the elderly (PACE).

To Human Services.

HB 2228 (By Smith), Relating to the required taking of a specimen of a person's breath or blood in connection with certain alcohol-related offenses.

To Criminal Jurisprudence.

HB 2229 (By McReynolds), Relating to certain contracts between governmental entities and nonresident bidders.

To State Affairs.

HB 2230 (By McReynolds), Relating to the reporting and investigation of motor vehicle accidents.

To Public Safety.

HB 2231 (By S. Turner), Relating to the acquisition of certain water utilities by a municipality.

To Natural Resources.

HB 2232 (By P. King), Relating to procedures for a suit affecting the parent-child relationship filed by the Department of Protective and Regulatory Services.

To Juvenile Justice & Family Issues.

HB 2233 (By P. King), Relating to abolishing the Polygraph Examiners Board and transferring the regulation of polygraph examinations from the Polygraph Examiners Board and the Department of Public Safety of the State of Texas to the Texas Commission on Private Security.

To Public Safety.

HB 2234 (By Delisi), Relating to franchise tax incentives for wind energy devices.

To Ways & Means.

HB 2235 (By Delisi), Relating to franchise tax incentives for desalination devices.

To Ways & Means.

HB 2236 (By Delisi), Relating to franchise tax incentives for hydrogen energy devices.

To Ways & Means.

HB 2237 (By J. Moreno), Relating to the procurement powers of certain navigation districts and port authorities.

To Transportation.

HB 2238 (By J. Moreno), Relating to the closing of streets by institutions of higher education in certain counties.

To Land & Resource Management.

HB 2239 (By Salinas), Relating to the use of photographs on the state's sex offender database.

To Public Safety.

HB 2240 (By B. Brown), Relating to limiting the transfer of the school district ad valorem tax freeze on the residence homesteads of the elderly to different homesteads in the same school district.

To Public Education.

HB 2241 (By Menendez), Relating to the creation of a state prescription drug program for certain Medicare beneficiaries.

To Public Health.

HB 2242 (By Hardcastle), Relating to Attorney General providing services to conservation districts.

To Agriculture & Livestock.

HB 2243 (By Bosse), Relating to motor vehicle storage facilities.

To Transportation.

HB 2244 (By Bosse, McCall, Kuempel, and Chisum), Relating to the continuation and functions of the Texas Parks and Wildlife Department.

To State Recreational Resources.

HB 2245 (By Ehrhardt), Relating to the powers and duties of the Texas Commission on Fire Protection and the duties of certain fire departments.
To Urban Affairs.

HB 2246 (By Ellis and McReynolds), Relating to the regulation of the purchase and sale of timber; providing a penalty.
To Agriculture & Livestock.

HB 2247 (By Ellis), Relating to establishing an exit interview process for employees of the institutional division of the Texas Department of Criminal Justice.
To Corrections.

HB 2248 (By Goodman), Relating to the licensing and regulation of clinical nutritionists; providing a criminal penalty.
To Public Health.

HB 2249 (By Goodman), Relating to certain suits affecting the parent-child relationship.
To Juvenile Justice & Family Issues.

HB 2250 (By Smith), Relating to certain criminal consequences of a previous intoxication manslaughter conviction.
To Criminal Jurisprudence.

HB 2251 (By Naishtat), Relating to resource requirements under the temporary assistance for needy families program and the food stamp program.
To Human Services.

HB 2252 (By Naishtat), Relating to categorical eligibility for food stamps of certain recipients of temporary assistance for needy families.
To Human Services.

HB 2253 (By Naishtat), Relating to the jurisdiction of the Probate Court No. 1 of Travis County.
To Judicial Affairs.

HB 2254 (By Naishtat), Relating to the issuance of Texas Commission for the Deaf and Hard of Hearing license plates.
To Transportation.

HB 2255 (By McCall), Relating to the continuation and functions of the State Securities Board; providing penalties.
To Pensions & Investments.

HB 2256 (By McCall), Relating to the expunction or clarification of certain criminal history record information.
To Criminal Jurisprudence.

HB 2257 (By Garcia), Relating to mandatory advance warning of detainment by a peace officer.
To Public Safety.

HB 2258 (By Maxey), Relating to the assessment of certain nursing home residents for mental illness or mental retardation.
To Human Services.

HB 2259 (By Coleman), Relating to the designation and functions of a state demographer.

To State Affairs.

HB 2260 (By Danburg), Relating to accommodations and work assignments for certain pregnant municipal and county employees.

To County Affairs.

HB 2261 (By Danburg), Relating to the issuance of a supplementary birth certificate for certain adopted persons.

To Juvenile Justice & Family Issues.

HB 2262 (By Danburg), Relating to certain requirements for membership on the governing board of a state agency.

To State Affairs.

HB 2263 (By Danburg), Relating to a guide for historical markers along roadways in this state.

To Transportation.

HB 2264 (By Danburg), Relating to the right of certain persons arrested for possession of a controlled substance to expunction of certain records and files.

To Criminal Jurisprudence.

HB 2265 (By Villarreal), Relating to the allocation of certain child care funds to local workforce development areas.

To Economic Development.

HB 2266 (By Bailey), Relating to the repair of a motor vehicle; providing a civil penalty.

To Business & Industry.

HB 2267 (By Bailey), Relating to the misrepresentation by a car rental company that it is an insurance company.

To Business & Industry.

HB 2268 (By Bailey), Relating to a minimum personal leave program for faculty members at public institutions of higher education.

To Higher Education.

HB 2269 (By Bailey), Relating to the right of faculty members at public institutions of higher education to receive notice of and be represented in certain personnel meetings.

To Higher Education.

HB 2270 (By Bailey), Relating to the enforcement of municipal health and safety ordinances in a municipal court.

To Judicial Affairs.

HB 2271 (By Howard), Relating to the regulation of recycling facilities.

To Environmental Regulation.

HB 2272 (By Allen), Relating to the duration of the duty to register as a sex offender for persons convicted of or adjudicated for certain offenses.

To Public Safety.

HB 2273 (By Y. Davis), Relating to the hours worked during a week by police officers in certain municipalities.
To Urban Affairs.

HB 2274 (By Hilbert), Relating to the application of the sales tax and licensing fees to professional land surveyors.
To Ways & Means.

HB 2275 (By Giddings), Relating to the attorney general providing certain child support enforcement information to the parties to a suit and to the public.
To Juvenile Justice & Family Issues.

HB 2276 (By Giddings), Relating to tuition rebate incentives for persons who complete certain degree and certificate programs without excessive credit hours.
To Higher Education.

HB 2277 (By Carter), Relating to contracts by certain educational institutions, state agencies, and local governments for energy conservation measures.
To Energy Resources.

HB 2278 (By Carter), Relating to the consolidation and functions of the energy management center and the state energy conservation office and to the transfer of the powers and duties of the center and the office to the comptroller's office.
To Energy Resources.

HB 2279 (By Naishtat), Relating to the exemption from the payment of higher education tuition and fees for certain recipients of Temporary Assistance for Needy Families benefits.
To Higher Education.

HB 2280 (By Naishtat), Relating to the establishment of a pilot program to identify, assess, and address the personal needs of certain recipients of financial assistance.
To Human Services.

HB 2281 (By Goodman), Relating to removing the Texas Juvenile Probation Commission from the list of agencies considered to be health and human services agencies generally subject to the authority of the Health and Human Services Commission.
To Juvenile Justice & Family Issues.

HB 2282 (By Ellis), Relating to certain audits of health benefit plan payments and reimbursements to health care providers.
To Insurance.

HCR 186 (By Berman), Memorializing congress to repeal the Government Pension Offset enacted in 1977.
To Pensions & Investments.

HR 410 (By Berman), Honoring the legacy of Benjamin Bryant Beaird and commending the Beaird family as its farm is recognized by the Family Land Heritage program of the Texas Department of Agriculture as a Family Land Heritage Farm.
To Rules & Resolutions.

HR 411 (By Menendez, E. Jones, and Longoria), Honoring the YMCA of San Antonio on its 125th anniversary.

To Rules & Resolutions.

HR 412 (By Cook), Recognizing March 7, 2001, as Bastrop . . . Something for Everyone Day at the State Capitol.

To Rules & Resolutions.

HR 413 (By Cook, et al.), Recognizing March 7, 2001, as Star of Texas Fair and Rodeo Day at the State Capitol.

To Rules & Resolutions.

HR 414 (By Wise), Congratulating Ember Thompson of Weslaco on being crowned Queen Citriana at the Texas Citrus Fiesta.

To Rules & Resolutions.

HR 415 (By Wise), Honoring Rose A. Cantu on her retirement.

To Rules & Resolutions.

SB 116 to Public Education.

SB 164 to Criminal Jurisprudence.

SB 452 to County Affairs.

SB 453 to Business & Industry.

SJR 2 to Public Education.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 14

HCR 180

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 1, 2001

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 82 Pitts SPONSOR: Cain
Honoring the Ennis High School football team on winning the state championship.

HCR 95 Pitts SPONSOR: Nelson
Recognizing February 28, 2001, as Ellis County Day at the State Capitol.

HCR 184 Davis, John SPONSOR: Jackson
Honoring the visiting delegation from Tamaulipas, Mexico.

SB 21 Shapiro
Relating to criminal solicitation of certain offenses involving a controlled substance; providing penalties.

SB 558 Madla
Relating to an advisory committee on reducing drug demand.

SB 637 Armbrister
Relating to the creation of a local government transportation corporation by a navigation district.

SB 649 Truan
Relating to training requirements for applicants for and recipients of financial assistance for water and sewer services under the economically distressed areas program.

SB 688 Brown, J. E. "Buster"
Relating to requirements for public notice and hearing on applications for air quality multiple plant permits.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 28

Judicial Affairs - **HB 65, HB 497, HB 1015, HB 1033, SB 495**

Urban Affairs - **HB 693, HB 782**

ENROLLED

February 28 - HCR 145

SENT TO THE GOVERNOR

February 28 - HCR 86, HCR 96, HCR 142, HCR 145, HCR 175

RECOMMENDATIONS FILED WITH THE SPEAKER

February 28 - HB 113, HB 179, HB 305, HB 372, HB 529, HB 787, HB 890, HB 1038, HB 1081, HB 1136, HB 1232, HB 1258, HB 1274, HB 1455, HB 1764, HB 1771, HB 1836, HB 1842

SIGNED BY THE GOVERNOR

February 28 - HCR 93, HCR 126, HCR 134, HCR 179

